

MONTANA LEGISLATIVE HISTORY

Chapter 589 19 85

Bill H 643 S _____ Original bill & history ☒ c

H. Committee on Judiciary

Hearing Date(s) 2-14 _____ c

2-15 _____ c

_____ c

_____ c

Date Out 2-15 _____ c

S. Committee on Judiciary

Hearing Date(s) 3-26 _____ c

3-28 _____ c

_____ c

_____ c

DATE out 3-28

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

HOUSE FINAL STATUS

HB 641 INTRODUCED BY FRITZ, REAM, ET AL.
ALLOW ADVERTISED OR CATALOG PRICES TO COUNT AS BIDS
FOR STATE PURCHASES

2/02 INTRODUCED
2/02 REFERRED TO STATE ADMINISTRATION
2/04 FISCAL NOTE REQUESTED
2/11 FISCAL NOTE RECEIVED
2/14 HEARING
2/15 COMMITTEE REPORT-BILL PASS AS AMENDED
2/16 2ND READING DO NOT PASS 56 38
2/16 BILL KILLED

HB 642 INTRODUCED BY HANSEN, FRITZ, ET AL.
ANNEXATION OF CONTIGUOUS HIGH-DENSITY LAND

2/02 INTRODUCED
2/02 REFERRED TO LOCAL GOVERNMENT
2/16 HEARING
2/18 ADVERSE COMMITTEE REPORT
2/18 OBJECTION TO ADVERSE COMMITTEE REPORT
2/20 2ND READING DO NOT PASS 51 49
2/20 BILL KILLED

HB 643 INTRODUCED BY THOFT, IVERSON, ET AL.
PROHIBIT LOCAL ORDINANCE BANNING OR REGULATING
FIREARM SALE OR POSSESSION

2/02 INTRODUCED
2/02 REFERRED TO JUDICIARY
2/14 HEARING
2/15 COMMITTEE REPORT-BILL DO PASS
2/16 2ND READING PASS 87 8
2/19 3RD READING PASS 91 8

TRANSMITTED TO SENATE
2/21 REFERRED TO JUDICIARY
3/26 HEARING
3/28 COMM REPORT-BILL CONCURRED AS AMENDED
3/30 2ND READING CONCURRED 48 2
4/01 3RD READING CONCURRED 46 2

RETURNED TO HOUSE WITH AMENDMENTS
4/09 2ND READING AMENDMENTS CONCURRED 97 0
4/09 ON MOTION RULES SUSPENDED
PLACED ON 3RD READING THIS DAY
4/09 3RD READING AMENDMENTS CONCURRED 95 0
4/16 SIGNED BY SPEAKER
4/16 SIGNED BY PRESIDENT

4/18 TRANSMITTED TO GOVERNOR
4/22 SIGNED BY GOVERNOR
CHAPTER NUMBER 589 EFFECTIVE DATE: 10/01/85

HB 644 INTRODUCED BY NATHE
SEX OFFENSE AGAINST PERSON UNDER 16 YEARS OF AGE;
PRESENTENCE REPORT

2/02 INTRODUCED

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

FORTY-NINTH

LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

<u>HOUSE</u> <u>BILL NO.</u>	<u>ENTERED</u> <u>COMM.</u>	<u>DATE</u> <u>CONSIDERED</u>	<u>OUT OF</u> <u>COMM.</u>	<u>DO PASS</u> <u>DATE</u>	<u>DO NOT</u> <u>PASS</u> <u>DATE</u>	<u>DO PASS</u> <u>AS AMEND.</u> <u>DATE</u>	<u>BE CON-</u> <u>CURRED IN</u> <u>DATE</u>	<u>BE CONC. IN</u> <u>AS AMENDED</u> <u>DATE</u>	<u>BE NOT CON-</u> <u>CURRED IN</u> <u>DATE</u>
HB 586	1/31/85	2/13/85	2/13/85			2/13/85			
HB 587	1/31/85	2/13/85	2/13/85	2/13/85					
HB 588	1/31/85	2/13/85	2/13/85	2/13/85					
HB 600	1/31/85	2/8/85 2/11/85	2/11/85	2/11/85					
HB 594	1/31/85	2/14/85 2/15/85	2/15/85			2/15/85			
HB 609	2/1/85	2/6/85 2/7/85	2/7/85	2/7/85					
HB 619	2/1/85	2/7/85 2/14/85	2/14/85		2/14/85				
HB 620	2/1/85	2/11/85 2/13/85	2/13/85	2/13/85					
HB 622	2/1/85	2/8/85 2/16/85	2/16/85	2/16/85					
HB 627	2/1/85	2/13/85	2/13/85			2/13/85			
HB 643	2/2/85	2/14/85 2/15/85	2/15/85	2/15/85					
HB 644	2/2/85	2/11/85	2/11/85			2/11/85			
HB 656	2/4/85	2/11/85 2/14/85	2/14/85			2/14/85			
HB 664	2/4/85	2/8/85 2/7/85	2/8/85		2/8/85				
HB 665	2/4/85	2/22/85 2/23/85	2/23/85			2/23/85			
HB 667	2/4/85	2/8/85	2/8/85	2/8/85					

Use a separate sheet for Senate, House Bills, and Resolutions

1 HOUSE BILL NO. 643 *Thomson*
 2 INTRODUCED BY *Staff Ellison* *McLanahan* *HARP*
 3 *Pistoria* *McLanahan* *NATHAN* *McLanahan* *Thomson*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE WHEN A LOCAL *McLanahan*
 5 GOVERNMENT MAY AND MAY NOT PROHIBIT, REGISTER, TAX, LICENSE, *Ellard*
 6 OR REGULATE THE PURCHASE, SALE OR OTHER TRANSFER, OWNERSHIP, *McLanahan*
 7 POSSESSION, DISCHARGE, TRANSPORTATION, OR UNCONCEALED *McLanahan*
 8 CARRYING OF FIREARMS; REPEALING SECTION 7-32-4305, MCA."
 9 *McLanahan* *Harding* *McLanahan*
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 NEW SECTION. Section 1. Right to possess firearms.
 12 (1) Except as provided in subsection (2), no county, city,
 13 town, consolidated local government, or other local
 14 government unit may prohibit, register, tax, license, or
 15 regulate the purchase, sale or other transfer (including
 16 delay in purchase, sale, or other transfer), ownership,
 17 possession, transportation, use, or unconcealed carrying of
 18 any rifle, shotgun, or handgun.
 19 (2) For public safety purposes, a city or town may
 20 regulate the discharge of rifles, shotguns, and handguns. A
 21 county, city, town, consolidated local government, or other
 22 local government unit has power to prevent and suppress the
 23 carrying of concealed weapons, the carrying of weapons to a
 24 public assembly or school with the intent of causing terror
 25 or alarm, and the possession of firearms by convicted

1 felons, adjudicated mental incompetents, illegal aliens, and
 2 minors.
 3 Section 2. Repealer. Section 7-32-4305, MCA, is
 4 repealed.

-End-

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 14, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, February 14, 1985 at 8:00 a.m. in Room 325 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 507: Hearing commenced on HB 507. Rep. Kerry R. Keyser, District #74, sponsor of HB 507 testified. He said that HB 507 would limit prohibition against discrimination on the basis of sex or marital status to the issuance or the availability of insurance. No insurer may refuse to insure, refuse to continue to insure or limit the amount of coverage available to an individual because of the sex or marital status of the individual. However, nothing in the section would prohibit an insurer from taking marital status into account for the purpose of defining a person's eligibility for insurance. Rep. Keyser said he introduced this bill for three specific reasons. The bill that passed last session, section 49-2-309 of the MCA, is blatantly unfair to women, men and the insurance industry in the area of life and automobile insurance. He said this legislation was brought on by a sexist, feminist movement. He said that is a heck of a reason for changing the way an entire industry does business. He said the Women's Lobbyist group does not represent the majority of women in the state of Montana. He further stated that this is not a civil rights issue -- it is an economic reason. He said the cost figures cited in the last legislature by the Women's Lobbyist group used the worse case scenerio for examples which dramatized the situation unrealistically. Rep. Keyser submitted copies of the personal auto manual of the Western Insurance Companies which was marked Exhibit A and is hereto attached. He briefly commented on this particular manual.

CONSIDERATION OF HOUSE BILL NO. 366: Rep. Jack Ramirez, District #87, testified in support of HB 366 as one of its sponsors. He said that HB 366 is basically an intermediate position between the present law (as it will become law in October) and Rep. Keyser's position. Rep. Ramirez, too, believes this is an economic issue. He continued on by telling the committee the rationale of HB 366. He pointed out that the insurance business is one of the most competitive businesses. It has avoided federal regulation to a great extent. If there is a demand for a

CONSIDERATION OF HOUSE BILL NO. 643: Rep. Bob Thoft, District #63, testified in support of HB 643. This is an act to provide when a local government may and may not prohibit, register, tax, license or regulate the purchase, sale or other transfer, ownership, possession, discharge, transportation or unconcealed carrying of firearms. (He submitted a copy of Louis J. Bruen, III, testimony which was marked as Exhibit P-1.)

Lee Spurgin from Billings, appeared and offered testimony in support of HB 643.

Glenn Sanders, representing the Montana Pistol and Rifle Association, testified as a proponent to this bill. It provides that cities and towns may impose an ordinance to prevent carrying firearms in a city or town. It specifically would prevent removing firearms from the general public thereby removing the citizen's constitutional rights to own and possess firearms.

Harold M. Price, representing the Montana Wildlife Federation, testified in support of HB 643. A copy of his written testimony was marked Exhibit P and attached hereto.

James McConnell, chairman of the Montana Rifle Association, said that this bill is important to the gun owners of this state. He submitted a copy of his written testimony which was marked Exhibit Q.

Calvin L. Burr, Jr. appearing on behalf of himself and the Havre Rifle Club and the National Rifle Association, wished to go on record as supporting the bill.

Lenora Houldson from Missoula, testified in support of this bill. She said she is a pistol competitor. She stated that she is concerned about legislation coming at the local level that would make criminals out of law abiding citizens by taking away the rights that are guaranteed in our national constitution and that are likewise guaranteed in our state constitution.

Don Valem from Ovando, spoke as a proponent to the bill. Robert VanDerVere also spoke as a proponent. Ralph Knauss, from Clancy, also wished to go on record as supporting this legislation.

There being no further proponents or opponents, Rep. Thoft closed. He stated that he hopes the committee will not amend the bill in any way, and further urged the committee to pass the bill.

CONSIDERATION OF HOUSE BILL NO. 594: Rep. John Cobb, District #42, sponsor of HB 594, testified in support of it. This bill is an act requiring notice of entry onto land by appropriate state and local personnel for certain floodplain and floodway management purposes.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 14, 1985 BILL NO. HB 357 TIME 7:15 a.m.

NAME	AYE	NAY
Kelly Addy		✓
Toni Bergene	✓	
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily		✓
Budd Gould		✓
Edward Grady	✓	
Joe Hammond	✓	
Kerry Keyser		
Kurt Krueger		✓
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara		✓
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)		✓

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Grady moved that HB 357 DO NOT PASS AS AMENDED.

The motion was seconded by Rep. Rapp-Svrcek and carried 10-7.

TESTIMONY FOR H.B. 643 PREEMPTION LEGISLATION
SUBMITTED BY LOUIS J. BRUNE, III, NRA NW STATE LIAISON

FEBRUARY 14, 1985

MY NAME IS LOUIS J. BRUNE, III. I AM THE NRA STATE LIAISON FOR THE NORTHWESTERN REGION AS WELL AS A LIFE MEMBER OF THE 3 MILLION MEMBER NATIONAL RIFLE ASSOCIATION.

ON BEHALF OF OUR 26,536 NRA MEMBERS IN MONTANA, I WOULD LIKE TO THANK THE CHAIRMAN AND THE HOUSE JUDICIARY COMMITTEE FOR THE OPPORTUNITY TO SPEAK ON BEHALF OF H.B. 643, THE STATE FIREARM PREEMPTION BILL.

THIS BILL PROVIDES FOR A STANDARDIZATION OF FIREARM LAWS THROUGHOUT THE STATE OF MONTANA BASED UPON CURRENT AND FUTURE STATUTES ENACTED IN THE LEGISLATURE.

IT MAKES NULL AND VOID ANY LOCAL ORDINANCES THAT ARE MORE OR LESS RESTRICTIVE THAN CURRENT STATE LAW (SUCH AS A MORTON GROVE, ILLINOIS HANDGUN BAN).

A STATE FIREARMS PREEMPTION LAW WILL PREVENT A HODGEPODGE EFFECT OF FIREARMS LAWS WITHIN THE STATE AND CREATE UNIFORMITY OF FIREARMS LAWS WITHIN MONTANA. SUCH A UNIFORM CODE IS NECESSARY TO PROTECT THE LAW-ABIDING CITIZEN FROM UNWITTING VIOLATION

PUBLICALLY OWNED BUILDING WITHIN THE CITY OF MISSULA. THE PASSAGE OF THIS ORDINANCE WOULD HAVE MEANT THAT ANY LAW-ABIDING FIREARMS OWNER, HUNTER, OR COMPETITIVE SHOOTER WOULD HAVE BEEN IN VIOLATION OF THIS LAW AND SUBJECT TO A FINE OF \$500 OR 6 MONTHS IN JAIL FOR TRANSPORTING A FIREARM THROUGH THE MISSULA AIRPORT!

THIS WOULD HAVE SERIOUSLY LIMITED OUT-OF-STATE HUNTERS FROM ENTERING INTO MONTANA, WHICH WOULD RESULT IN A CATOSTROPHIC LOSS OF REVENUE TO THE STATE AND OUTDOOR INDUSTRY.

A STATE FIREARM PREEMPTION LAW WILL CURTAIL THIS MOVEMENT IN MONTANA AND ENSURE THAT STATE FIREARMS LAWS WILL BE ENFORCEABLE THROUGHOUT THE STATE ON AN EQUAL BASIS.

IN CLOSING, I WOULD LIKE TO NOTE THAT WE HAVE RECEIVED NUMEROUS LETTERS AND TELEPHONE CALLS FROM OUR MEMBERS IN MONTANA ASKING THAT WE ASSIST IN SECURING THE PASSAGE OF H.B. 643. FURTHERMORE, AT RECENT ANNUAL MEETINGS OF THE MONTANA RIFLE AND PISTOL ASSOCIATION, THE NORTHWEST MONTANA ARMS COLLECTORS AND OTHER SPORTSMEN ORGANIZATIONS HERE IN MONTANA, THE COLLECTIVE MEMBERSHIP VOTED UNANIMOUSLY IN FAVOR OF THIS TYPE OF LEGISLATION TO PREVENT MORTON GROVE STYLED BANS OR ANY POTENTIAL HARASSMENT OF LAW-ABIDING FIREARMS OWNERS HERE IN THE STATE OF MONTANA.

I WOULD LIKE TO THANK THE COMMITTEE ON BEHALF OF ALL OF US FOR THE OPPORTUNITY TO DISCUSS H.B. 643 WITH YOU TODAY, AND ENCOURAGE YOUR SUPPORT OF THIS LEGISLATION.

AND/OR UNDUE HARASSMENT THAT COULD RESULT IF EVERY COUNTY, CITY, TOWN OR CONSOLIDATED LOCAL GOVERNMENT IN MONTANA HAD DIFFERENT FIREARMS LAWS. PASSAGE OF H.B. 643 WILL ALSO ENSURE THE EQUAL PROTECTION CLAUSE FOR ALL GUARANTEED IN THE 14TH AMENDMENT TO THE U.S. CONSTITUTION.

HOWEVER, THIS BILL, H.B. 643, WILL IN NO WAY LESSEN CURRENT FEDERAL LAW, STATE LAW OR LOCAL ORDINANCES WHICH REGULATE THE CARRYING OF CONCEALED WEAPONS, THE CARRYING OF WEAPONS TO A PUBLIC ASSEMBLY OR SCHOOL WITH THE INTENT OF CAUSING TERROR OR ALARM AND THE POSSESSION OF FIREARMS BY CONVICTED FELONS, ADJUDICATED MENTAL INCOMPETENTS, ILLEGAL ALIENS, AND MINORS.

SINCE THE PUSH FOR LOCAL GUN LAWS THAT SUPERSEDE STATE LAW IS A RELATIVELY RECENT PHENOMENON, BEING BACKED IN MOST CASES BY THOSE GROUPS THAT WISH TO BAN AND/OR RESTRICT THE RIGHTS OF LAW-ABIDING CITIZENS TO OWN AND USE FIREARMS FOR LEGITIMATE PURPOSES, THE NEED FOR A STATE FIREARM PREEMPTION LAW IS CLEAR.

SINCE THE PASSAGE OF THE MORTON GROVE HANDGUN BAN, OVER 100 COMMUNITIES HAVE ATTEMPTED TO PASS SIMILAR LEGISLATION NATIONWIDE. SUCH PLACES IN THE NORTHWEST INCLUDE: SEATTLE, WASHINGTON; EUGENE, OREGON; ANCHORAGE, ALASKA; BOULDER, COLORADO; GREEN RIVER AND PINEDALE, WYOMING AND MISSULA, MONTANA.

IN MAY, 1984, THE CITY OF MISSULA CONTEMPLATED AN ORDINANCE WHICH WOULD HAVE PROHIBITED CARRYING A FIREARM INTO ANY



**NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036**

WHY DOES YOUR STATE NEED A FIREARMS PRE-EMPTION LAW?

The right to keep and bear arms is at the forefront of the various emotional issues that currently confront our society. Legislators, judges and bureaucrats at all levels of government — federal, state and local — are being called upon by citizens who wish to see this right expanded or restricted.

One underlying question is at what level should such legislation occur. The National Rifle Association has traditionally believed that the government most representative of the people is best. The explosion over the past few years of local ordinances that are more restrictive than current state law has, however, created the need for the states to preempt these local actions. Such legislation will prevent a hodgepodge of varying gun laws within a state, and thereby protect the law-abiding citizen not only from unwitting violation of the law, but also from arbitrary infringements of his or her rights. Indeed, in enacting pre-emption legislation, thereby expressly preventing local governments from infringing the rights of citizens and effectively eliminating the need for citizens to undertake costly litigation to protect their rights, state legislators fulfill their constitutional duty to protect the rights of citizens.

A state firearms pre-emption law will guarantee to the citizens of your state their right to own and use firearms for legitimate purposes based on state statutes and federal law.

Federal Law

Many people do not realize the full extent of federal law. Under the Gun Control Act of 1968, anyone convicted of a felony, adjudicated mentally defective, or addicted to drugs is prohibited from owning, purchasing, receiving or transporting any firearms or ammunition. The Gun Control Act also bans mail order sales of firearms and ammunition by other than federally licensed dealers and requires that the purchaser and seller of firearms be residents of the same state, although most states have enacted contiguous-state statutes for long gun purchases from dealers.

Federal law also requires all persons engaged in the business of dealing in firearms to be federally licensed. Dealers must require from all firearms purchasers proof of identity and residence, and buyers must sign, under penalty of perjury, a statement certifying eligibility to purchase. Dealers are required to keep records of all firearms sales and are forbidden from selling handguns to persons under 21 or rifles and shotguns to persons under 18. Additionally, dealers are prohibited from making any sale of firearms or ammunition which would place the buyer in violation of state or local law.

The History of Firearms Pre-emption Legislation

The first pre-emption firearms law was passed in the late 1960s, when, in response to the assassinations and urban rioting of that time, a number of localities passed "gun control" measures. Recognizing that these ordinances were based on emotional response rather than logical efforts to control crime, citizens in California and Pennsylvania led the way in enacting firearms

pre-emption statutes. Today, some 15 states have firearms pre-emption either by statute or by legal precedent including: Alabama, Arizona, California, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Virginia, Washington and West Virginia.

The Problem Behind Local Firearms Laws

The renewed popularity in passing local ordinances effecting gun ownership has triggered a great debate over the benefits of local rule on this issue. Clearly, all legislation — whether federal, state, or local — must be designed to ensure uniform and nondiscriminatory access to the rights and privileges of the citizenry as guaranteed by the U.S. and State Constitutions. Yet, a close look at the passage of the Morton Grove, Illinois, handgun ban, the most infamous of these local ordinances, proves beyond doubt that local firearms legislation does not guarantee this. In passing their ban, the Morton Grove Village Trustees were acting in defiance of a majority of the village citizenry as the opponents of the measure greatly outnumbered supporters at all public hearings on the ban. Morton Grove was acting not to control crime, which was minimal in the village, but rather to gain the attention of national media and to create a situation of harassment for individual firearms owners. Their gimmick worked! Today, Morton Grove is almost a household word and it is estimated that close to a thousand formerly law-abiding citizens are now technically "criminals" for exercising a right guaranteed by both the U.S. and the Illinois Constitutions.

The local intent to harass gun owners and sportsmen, rather than control crime, is even more apparent in the recent actions of the Friendship Heights (Maryland) Township. This tiny community on the outskirts of Washington, D.C., originally attempted to ban possession of all handguns. The Montgomery County Council refused, however, to consider the proposal because it was a clear violation of the Maryland State Firearms Pre-emption Statute. Friendship Heights then attempted to subvert state law by passing a complete ban on possession of all ammunition. Possession of ammunition for self-defense would have been outlawed, and anyone passing through Friendship Heights with a single bullet could have been subject to arrest and conviction — a \$500 fine for the first offense and up to six months in jail for the second offense.

The attempted F.H. bullet ban was defeated by the county council; Montgomery County, nonetheless, ultimately passed an ordinance which will prohibit the purchase of ammunition unless a firearm registration certificate is produced, although registration is not required in Maryland. While Councilman David Scull claims it is a symbolic step towards gun control at the state and federal level, in reality, this ordinance "is an abysmal waste of governmental energy and corrodes the respect without which law is a husk." (The Washington Times, June 20, 1983)

In response to this ban and other similar restrictive ordinances, a number of local jurisdictions have gone in the opposite direction and required all individuals or household heads to own a firearm. The NRA does not condone these mandatory ownership ordinances because we believe it is an individual's choice whether or not to possess a firearm.

How Can Pre-emption Help?

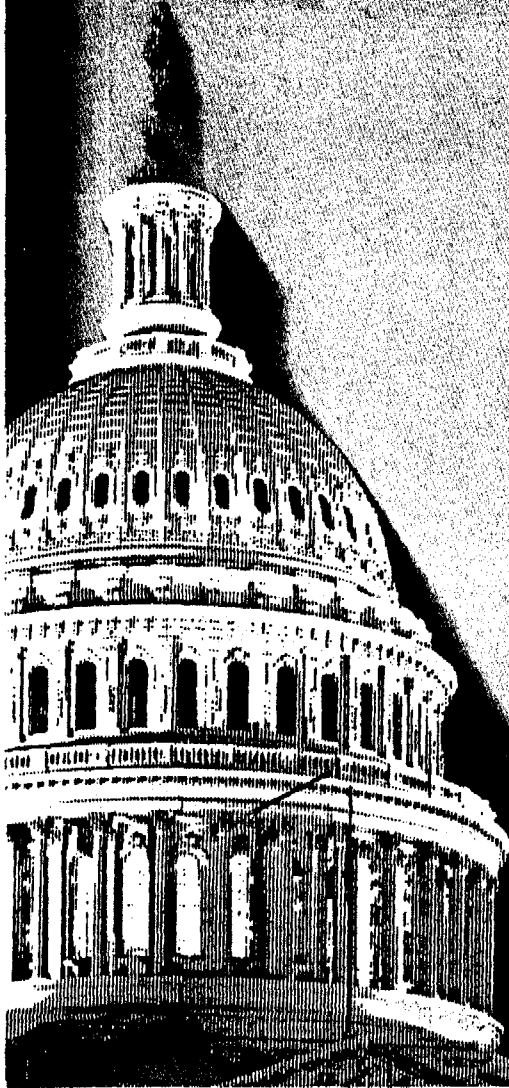
Local firearms legislation serves only to create a crazy quilt of laws, resulting in gun owners running the risk of arrest, prosecution and confiscation of personal property for unwitting violation of local law by transporting a gun for sporting or other legitimate purposes across city or county

lines. Such legislation clearly interferes with the "uniform application of laws" as citizens from one city are treated differently from citizens of another. Such legislation also puts an undue burden on the nation's 28 million hunters and 7 million competitive shooters who would be required to know the firearms laws of each various city and county they may pass through on their way to hunting areas or shooting matches.

We are greatly concerned by this eruption of hostile camps of "pro-gun" and "anti-gun" localities in states who do not have firearms pre-emption legislation. A state firearms pre-emption law will curtail this movement and ensure that state law will be enforced uniformly throughout the state on an equal basis.

NRA

Institute for
Legislative Action



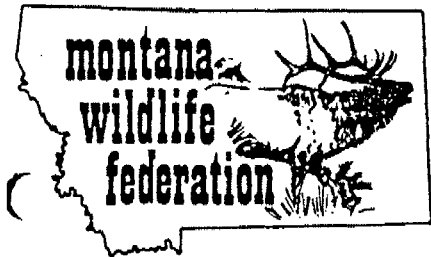


EXHIBIT P
EDUCATION - CONSERVATION HB 643
2/14/85

Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

MONTANA WILDLIFE FEDERATION

TESTIMONY ON HB643

The Montana Wildlife Federation is strongly supportive of HB643. Our membership, which consists of approximately 4600 sportsmen in 17 local clubs throughout the state, includes a very high percentage of gun owners. We are keenly aware of actions taken by several city governments in other states to ban, register or otherwise restrict the possession of firearms by members of the general public.

Although we are not aware of any such actions contemplated by any of our local governments, we recognize that there is a possibility that a Montana city or county could be asked to adopt such an ordinance. If that should happen, we would feel much more comfortable if state law clearly prohibited the action in the first place. And we suspect that the local government involved would also feel more comfortable if they could cite a clear prohibition in state law.

For these reasons, we urge this committee to recommend passage of HB643.

Thank you.

Harold M. Price

Montana Wildlife Federation

NAME: James McConnell DATE: Feb 14, 1985

ADDRESS: Lincoln mt.

PHONE: 362-4573

REPRESENTING WHOM? Montana Rifle & Pistol Association - myself

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: This Bill is very important to the gun owners
of montana. There is much concern among the gun owners
that what has taken place in other states, namely prohibiting
ownership or possession of firearms at firearms by local jurisdiction,
will happen in Montana. Of all the time I have been legislative
Chairman of the Mt. Rifle & Pistol Assoc, there has been no issue
that has brought more interest from the gun owners of the state.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lenora Houldson DATE: 2-14-85

ADDRESS: 2301 S. 3rd St Missoula MT 59804

PHONE: 406-549-3678

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I am concerned about legislation
being enacted on local level that
would make criminals out of law
abiding citizens

International & National competition can
be curtailed by local laws that infringe our ^{right}
Need to assure Constitutional rights
as guaranteed by U.S. Constitution
Need to guarantee our rights
as ~~stated~~ in our ^{MOVING} State Constitution
to protect our right to protect our
home, property, & person

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE

2/14/85

COMMITTEE ON

JUDICIARY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Judy K Mintel	STATE FARM	#366 507	✓	
Barbara J Lantzenberger	Am. Council of Life Ins	366 507	✓	
DONALD GARRITY	- " -	366 507	✓	
Bonnie Tippy	Alliance of Am. Insurers	366 507	✓	
Randall Gray	STATE FARM	366 507	✓	
Sherry Daniels	Treasurer	366 507	✓	
Marie Deoner	- self -	366 507	✓	
Jim Higgins	Farmers Ins Group	366 507	✓	
Chuck M. Stemann	ST. Farm	366 507	✓	
Lori Hamm	- self -	366 507	✓	
DON H. ULRICH	ST. Farm	366 507	✓	
Jim Brown	Aetna	366 507	✓	
Ed Zimmerman	Am Council of Life Ins	366 507	✓	
Kristin Hartley	Deer Lodge	366 507		✓
Laura Nicholson	Helene	366 507	⊗	✓
Elaine D. Shaw	Deer Lodge	366 507		✓
Roger A. K. Ross	Clancy	643	✓	
James E. McConnell	Int. N. H. & Pac. Ins. Assoc.	643	✓	
Lorna Frank	Mt. Carmel Insurance	594	✓	
John B. Burdick	Prudential	594		
Joan Crum	self	366 507		✓
Marlene D. Dool	self	366 507		✓
Anne Brodsky	Women's Lobbyist Fund	366 507		✓
Brian J. J. J.	Ms. Women's Resource Center	366 507		✓
Mark J. J. J.	self	366 507		✓
L. J. J. J.	M. J. J.	366 507		✓

(Please leave prepared statement with Secretary)

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 15, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, February 15, 1985 at the hour of 7:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Rep. Keyser who had been previously excused.

ACTION ON HOUSE BILL NO. 360: Rep. Hammond moved that HB 360 DO PASS. The motion was seconded by Rep. Brown.

Rep. Hammond informed the committee that he had consulted with the mobile home court owners who had testified at the previous hearing. They told Rep. Hammond that they would have no objection to changing the time of notice from 30 days to 15 days. Therefore, Rep. Hammond moved the following amendment:

1. Title, line 5.
Strike: "30"
Insert: "15"

2. Page 2, line 17.
Strike: "30"
Insert: "15"

Said motion was seconded by Rep. Brown and carried unanimously.

Rep. Gould further moved that HB 360 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and further discussed.

The question was called, and DO PASS AS AMENDED motion carried with Reps. Hannah, Poff and Rapp-Svrcek dissenting.

ACTION ON HOUSE BILL NO. 643: Rep. O'Hara moved that HB 643 DO PASS. The motion was seconded by Rep. Brown.

Rep. Rapp-Svrcek felt an amendment should be adopted to allow counties the right to prohibit the discharge of firearms in concentrated urban areas for the purposes of public safety.

It was Rep. Eudaily's feeling that they would be opening a can of worms if that particular amendment were adopted.

Brenda Desmond, committee researcher, stated that she is unaware of a law that allows counties to regulate the discharge of firearms.

Rep. Addy moved on line 19 following "a" to insert "county". The motion was seconded by Rep. Rapp-Svrcek.

Rep. Hannah spoke against the motion to amend saying that it would deviate from what the sponsor of the bill intended. He feels it would be going against the whole direction of the bill.

Rep. Eudaily feels that by adopting the amendment, additional authority would be given to counties to regulate guns.

Rep. Mercer, too, felt by adopting the amendment, the committee would be doing exactly the opposite of what the bill is intended to do.

Rep. Rapp-Svrcek argued that the amendment would only allow the counties to have some say regarding the use of firearms in highly concentrated urban areas.

The question was called, and the motion to amend failed on a voice vote.

The question was further called on the previous DO PASS motion. The motion carried with Rep. Cobb dissenting.

ACTION ON HOUSE BILL NO. 594: Rep. Hammond moved that HB 594 DO PASS. The motion was seconded by Rep. O'Hara. Rep. Cobb, sponsor of HB 594, gave the committee a brief description of what the bill does.

Rep. Cobb moved the following amendments:

1. Page 1, line 20.
Following: "department"
Insert: "or the responsible political subdivision"
2. Page 1, line 24.
Following: "department"
Insert: "or the responsible political subdivision".
3. Page 2, line 3.
Following: "department"
Insert: "or the responsible political subdivision"
4. Page 2, line 8.
Following: "department"
Insert: "or the responsible political subdivision"

The motion was seconded by Rep. Brown and carried unanimously.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

EXECUTIVE SESSION - 7:00 a.m.

Date 2-15-85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser			✓
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

February 15 19 85

MR. Speaker

We, your committee on Judiciary

having had under consideration House Bill No. 543

First reading copy (White)
color

**PROHIBIT LOCAL ORDINANCE BANNING OR REGULATING FIREARM
SALE OR POSSESSION**

Respectfully report as follows: That House Bill No. 643

DO PASS

CHAIRMAN--MAZUREK, JOE

SECRETARY-STALEY, CINDY

NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0587	2/19	3/20		CONCUR		3/20
GOULD, R. BUDD			TRANSFER OF PRISONER TO COUNTRY HE IS A CITIZEN OF			
HB0594	2/22	3/21		CONCUR		3/23
COBB, JOHN			FLOODPLAIN MANAGEMENT - NOTICE OF ENTRY AND RELEASE OF NAMES REQUIRED			
HB0600	2/15	3/06		CONCUR AS AMENDED		3/6
MERCER, JOHN A.			INCLUDE OUT-OF-STATE CONVICTIONS FOR DUI & BROADEN CHARGING ON DUI			
HB0609	2/12	3/21		CONCUR		3/21
RAMIREZ, JACK			DURABLE POWERS OF ATTORNEY			
HB0613	2/22	3/19		ADVERSE REPORT		3/23
HANNAH, TOM			RESTRICT COURT ORDERED CHANGES TO BALLOT AFTER CERTIFICATION			
HB0620	2/19	3/05		CONCUR AS AMENDED		3/5
BRADLEY, DOROTHY			REQUIRE TRAINING & CERTIFICATION OF LOWER COURT JUDGES			
HB0622	2/22	3/21		CONCUR		3/23
THOFT, BOB			DELETE PURPOSE ELEMENT FROM BAD CHECK STATUTE			
HB0627	2/21				PUBLIC HEALTH	
KEENAN, NANCY			DUTIES AND RESPONSIBILITIES OF GUARDIAN AD LITEM			
HB0639	2/14	3/07		CONCUR AS AMENDED		3/7
NATHE, DENNIS G.			REVISION OF POLYGRAPH LICENSURE LAW			
HB0643	2/21	3/26		CONCUR AS AMENDED		3/28
THOFT, BOB			PROHIBIT LOCAL ORDINANCE BANNING OR REGULATING FIREARM SALE OR POSSESSION			
HB0644	2/15	3/11		CONCUR		3/11
NATHE, DENNIS G.			SEX OFFENSE AGAINST PERSON UNDER 16 YEARS OF AGE; PRESENTENCE REPORT			

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 26, 1985

The fifty-ninth meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on March 26, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Kermit Daniels who was excused.

CONSIDERATION OF HB 760: Representative Dennis Nathe, sponsor of HB 760, testified this bill changes the bifurcation process present in our current state divorce laws. By that he meant any spouse can file for a divorce, and if the other spouse does not contest that filing, the divorce can become final within 21 days. It comes final, but problems such as division of property and child custody are all left hanging. What HB 760 does is on page 2, lines 13-14. This is the only judicial decree that comes off the bench that does not handle the problem in its entirety. If one party happens to get remarried, then you have three or four people involved in this battle. It places a great burden on the court system. The Child Support Bureau of the Department of Revenue had 600+ cases during the last quarter to get warrants of distraint and notices of levy for. Of that 40% involve paternity suits, and 35% involve this problem where the custody and child support was not settled. What this bill attempts to do is clean up a legal process that is on the books and say before a final decree of dissolution is granted, all of these issues will be settled in a final decree. In divorce, those two parties will have to sit down and take a look at what they are doing and what the impact will be on the children and on themselves.

PROPOSERS: Mike Abley, Administrator of the Montana Supreme Court, testified the court had directed him to urge the committee's support for this bill. The supreme court gets involved in cases that would not come before it if this bill were granted. Things don't remain static when you get divorced. The longer you put off the final paperwork in these cases, the more complex it gets. Ultimately these cases go before the supreme court. The children suffer. The property is tied up for years.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: None.

CONSIDERATION OF HB 643: Representative Bob Thoft, sponsor of HB 643, testified this legislation prohibits local entities from shaping local gun control ordinances. Representative Thoft presented written testimony in support of his position (Exhibit 5).

PROPOSERS: Calvin Burr, of Havre, a Junior Rifle Club Leader, and a member of the Havre and Montana Rifle and Pistol Associations, and a member of the National Rifle Association, testified this bill would prevent the cities and towns from prohibiting them from taking their guns on the roads while they are traveling to the competitions in which their organizations participate. They think this bill will stop some of the control a lot of people want to put on firearms. Glenn Saunders, representing the Montana Pistol and Rifle Association, introduced a news article relating to this situation (Exhibit 6). He commented failure to pass this bill would serve notice to a criminal that here's a house that is unprotected. They have found there have been instances where police have gone on strike. Where this has happened, the homeowner acquired more firearms and crime went down because police cannot be everywhere they need to be. The presence of a firearm might by itself prevent a crime. He does not want Montana to follow in the footsteps of Morton Grove, Illinois. Robert Vandevere, of Helena, testified many counties have three county commissions, and it just takes two of them to pull guns away from us. Jo Brunner, speaking as an individual, testified education and care in the use of guns is essential. She does not want the public penalized because there are others who don't exercise caution and obtain the proper education in the use of guns. Tony Schoonen, representing the Montana Wildlife Federation, presented written testimony in support of the bill (Exhibit 7). Jim McConnell, of Lincoln, testified the gun owners of this state would rather trust the state legislature with those rights they have considered unquestionable rather than leave that decision to the county commissioners. Gun owners are concerned about what they have seen in other states. This will prohibit local governments from piecing a patchwork of inconsistent laws. Tony Schoonen, Sr., of Butte, testified he feels this will just be another tool anti-hunters could use against local hunters. With this bill, they should be protected to own and bear arms at all times. Lenora Houldson, of Missoula, presented written testimony in support of the bill (see witness sheet attached as Exhibit 8). Ralph Knauss, of Clancy, testified he is a competitive rifleman. His use of firearms is completely legitimate. He would hate to be made a criminal by driving into a local area he had no knowledge of. A. M. Elwell, representing the Montana Weapons Collectors Society, testified they travel the state many times during the year displaying weapons for the enjoyment of the public. They do not feel any local authority should shape a restrictive measure that would cause them to unknowingly enter into an area where it would be unlawful to transport these weapons without their knowledge.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen stated he agreed with the intent of the bill; however, he questioned if line 20 indicated a loaded pistol in the glove compartment of your car would be a concealed weapon. Senator Towe replied it would have to be concealed on his person. Senator Crippen stated he received a letter from someone in the office of the City Attorney in Missoula who expressed concern with lines 24 and 25, "intent of causing terror or harm." How would you find out if that person were there for terror or harm? Representative Thoft replied the reason this language is in this bill is because we tried to address the concern of the people. We cannot ban gun shows in schools, etc. He doesn't think you can address it. Under this law, it would give whomever would want to question those individuals the right to do that. He doesn't think there is any real answer to trying to keep people from carrying a weapon. Senator Crippen asked what would happen if someone came into the school with a shotgun; you can't stop him; the person then shoots some people. You will then have a public outcry. There will be a lot of over-reaction. They not only will want to ban that, but they will want to go down the line and ban them in communities. We will then be put in a tough position because of that over-reaction. Representative Thoft responded we have all heard of children in schools having had knives, etc, and they have been pretty seriously dealt with. There is no intent in this bill to make it attractive for a school child to take a gun into the school. He doesn't think we can design a law to satisfy both sides of the issue. Senator Pinsoneault asked how you would respond to the woman in California whose children were slaughtered at McDonalds. He stated he didn't oppose the fact they have a right to carry guns, but he questioned how that mother comes in. Mr. Burr stated that also makes him feel bad whenever he hears a firearm has been used to destroy someone. However, there are people who will still do these things. He doesn't know how you could justify saying it was a firearm that caused these problems, but it is not the firearm--it is the person using it. He doesn't think we condone it, but it wasn't the firearm. Senator Towe pointed out you can't go into any public building in Washington unless you go through a monitor to see if you have any weapons on your person. What if a municipality feels they need this protection. Representative Thoft replied if you want to stop someone from carrying a weapon into a courthouse, that is what you have to do. Senator Towe asked if this bill wouldn't prohibit them from adopting something under this bill. Representative Thoft replied yes. When the person threatened Justice Sheehy, they broke the law. Senator Towe stated there are other laws they will have broken and for which they will be prosecuted. He asked if he thought the local governmental body should have the option if it feels necessary to protect itself by banning the carrying of weapons into local courthouses. Representative Thoft did not think such an ordinance could stop some incident from

happening. He didn't think any law on either side of the issue is going to do it. Senator Towe stated he agreed with collectors and the use of weapons for legitimate display and the transporting through airports, but he questioned how we address the question that may legitimately be raised about public safety. Mr. Elwell questioned whether you could define a weapon. A weapon could be two hatchets or a stick of dynamite, neither of which would be picked up by a metal detector. If he read the bill right, it did say the city could forbid the discharge of a firearm within the city limits. Senator Towe suggested we might allow cities to prevent the carrying of weapons within certain public buildings if they weren't with displays, etc.

CLOSING STATEMENT: Representative Thoft thought he would have a great deal of trouble trying to decide which public buildings are important and which were not. It is a sad situation where someone gets harmed with a firearm, but he doesn't think the bill will change any of that.

Hearing on HB 643 was closed.

FURTHER CONSIDERATION OF HB 700: Senator Pinsoneault stated the more he has looked into this, if they established a committee to review criminal procedure rules and he thinks Judge Olson would like to try to address this through is committee and through the rules he hopes they would get drafted. His inclination would be to table the bill. Senator Mazurek suggested talking to Representative Mercer about this.

ACTION ON HB 717: Senator Mazurek stated the House has passed Senator Brown's bill in essentially the same form as it was passed through the Senate. Senator Brown's bill, as opposed to page 5, line 5, of this bill, changes the court may with the consent of both parties. That has been changed in Senator Brown's bill so we would not need to make that change here. Senator Mazurek had asked Mr. Petesch to go through Senator Brown's bill and compare it with this bill. This was to make sure the two were consistent. It seemed we did not have reference to child support and a plan for custody. Senator Towe asked why section 2 was stricken. Senator Mazurek replied because that is a completely opposite approach to Senator Brown's bill. Senator Towe pointed out the idea of a plan is in Senator Brown's bill. Senator Mazurek responded no. Senator Shaw moved HB 717 be tabled as it is all new stuff. He felt we should see what happen's in the next two years. Senator Mazurek stated this bill addresses a couple of other things that are probably important. It requires the court to take into account child support in child custody situations. Senator Towe asked what Senator Brown thought of this bill. He replied if we amend it like Mr. Petesch has suggested, it seems we can improve some things. Senator Mazurek commented he felt page 2, lines 10-13, page 3, lines 20-23, and page 4, lines 7-12,

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 032685

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels			X
Chairman Senator Joe Mazurek	X		



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

March 22, 1985

The Honorable William P. Yellowtail, Jr.
Capitol Station
Helena, MT 59620

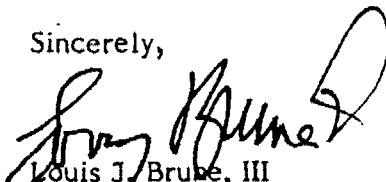
Dear Senator Yellowtail:

The most important piece of legislation to effect law-abiding firearms owners in Montana is being considered by the Montana Senate Judiciary Committee.

H.B. 643, the firearms preemption bill, which recently passed the House of Representatives by an overwhelming (100-8), will prevent a hodgepodge effect of firearms laws within Montana. 92

On behalf of our 26,536 NRA members in Montana, the Montana Rifle and Pistol Association, and other sportsmen organizations here in Montana, we urge your support of this critical legislation.

Sincerely,


Louis J. Bruno, III
State Liaison

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 032685

BILL NO. HB 643



Louis J. Bruno III
State Liaison
Institute for Legislative Action
National Rifle Association of America
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036
(202) 628-6386

TESTIMONY FOR H.B. 643 PREEMPTION LEGISLATION
SUBMITTED BY LOUIS J. BRUNE, III, NRA NW STATE LIAISON

MARCH 22, 1985

MY NAME IS LOUIS J. BRUNE, III. I AM THE NRA STATE LIAISON FOR THE NORTHWESTERN REGION AS WELL AS A LIFE MEMBER OF THE 3 MILLION MEMBER NATIONAL RIFLE ASSOCIATION.

ON BEHALF OF OUR 26,536 NRA MEMBERS IN MONTANA, I WOULD LIKE TO THANK THE CHAIRMAN AND THE SENATE JUDICIARY COMMITTEE FOR THE OPPORTUNITY TO SPEAK ON BEHALF OF H.B. 643, THE STATE FIREARM PREEMPTION BILL, WHICH PASSED THE HOUSE OF REPRESENTATIVES BY A VOTE OF (100-8).

THIS BILL PROVIDES FOR A STANDARDIZATION OF FIREARM LAWS THROUGHOUT THE STATE OF MONTANA BASED UPON CURRENT AND FUTURE STATUTES ENACTED IN THE LEGISLATURE.

IT MAKES NULL AND VOID ANY LOCAL ORDINANCES THAT ARE MORE OR LESS RESTRICTIVE THAN CURRENT STATE LAW (SUCH AS A MORTON GROVE, ILLINOIS HANDGUN BAN).

A STATE FIREARMS PREEMPTION LAW WILL PREVENT A HODGEPODGE EFFECT OF FIREARMS LAWS WITHIN THE STATE AND CREATE UNIFORMITY OF FIREARMS LAWS WITHIN MONTANA. SUCH A UNIFORM CODE IS NECESSARY TO PROTECT THE LAW-ABIDING CITIZEN FROM UNWITTING VIOLATION

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AND/OR UNDUE HARASSMENT THAT COULD RESULT IF EVERY COUNTY, CITY, TOWN OR CONSOLIDATED LOCAL GOVERNMENT IN MONTANA HAD DIFFERENT FIREARMS LAWS. PASSAGE OF H.B. 643 WILL ALSO ENSURE THE EQUAL PROTECTION CLAUSE FOR ALL GUARANTEED IN THE 14TH AMENDMENT TO THE U.S. CONSTITUTION.

HOWEVER, THIS BILL, H.B. 643, WILL IN NO WAY LESSEN CURRENT FEDERAL LAW, STATE LAW OR LOCAL ORDINANCES WHICH REGULATE THE CARRYING OF CONCEALED WEAPONS, THE CARRYING OF WEAPONS TO A PUBLIC ASSEMBLY OR SCHOOL WITH THE INTENT OF CAUSING TERROR OR ALARM AND THE POSSESSION OF FIREARMS BY CONVICTED FELONS, ADJUDICATED MENTAL INCOMPETENTS, ILLEGAL ALIENS, AND MINORS.

SINCE THE PUSH FOR LOCAL GUN LAWS THAT SUPERSEDE STATE LAW IS A RELATIVELY RECENT PHENOMENON, BEING BACKED IN MOST CASES BY THOSE GROUPS THAT WISH TO BAN AND/OR RESTRICT THE RIGHTS OF LAW-ABIDING CITIZENS TO OWN AND USE FIREARMS FOR LEGITIMATE PURPOSES, THE NEED FOR A STATE FIREARM PREEMPTION LAW IS CLEAR.

SINCE THE PASSAGE OF THE MORTON GROVE HANDGUN BAN, OVER 100 COMMUNITIES HAVE ATTEMPTED TO PASS SIMILAR LEGISLATION NATIONWIDE. SUCH PLACES IN THE NORTHWEST INCLUDE: SEATTLE, WASHINGTON; EUGENE, OREGON; ANCHORAGE, ALASKA; BOULDER, COLORADO; GREEN RIVER AND PINEDALE, WYOMING AND MISSULA, MONTANA.

IN MAY, 1984, THE CITY OF MISSULA CONTEMPLATED AN ORDINANCE WHICH WOULD HAVE PROHIBITED CARRYING A FIREARM INTO ANY

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PUBLICALLY OWNED BUILDING WITHIN THE CITY OF MISSULA. THE PASSAGE OF THIS ORDINANCE WOULD HAVE MEANT THAT ANY LAW-ABIDING FIREARMS OWNER, HUNTER, OR COMPETITIVE SHOOTER WOULD HAVE BEEN IN VIOLATION OF THIS LAW AND SUBJECT TO A FINE OF \$500 OR 6 MONTHS IN JAIL FOR TRANSPORTING A FIREARM THROUGH THE MISSULA AIRPORT!

THIS WOULD HAVE SERIOUSLY LIMITED OUT-OF-STATE HUNTERS FROM ENTERING INTO MONTANA, WHICH WOULD RESULT IN A CATOSTROPHIC LOSS OF REVENUE TO THE STATE AND OUTDOOR INDUSTRY.

A STATE FIREARM PREEMPTION LAW WILL CURTAIL THIS MOVEMENT IN MONTANA AND ENSURE THAT STATE FIREARMS LAWS WILL BE ENFORCEABLE THROUGHOUT THE STATE ON AN EQUAL BASIS.

IN CLOSING, I WOULD LIKE TO NOTE THAT WE HAVE RECEIVED NUMEROUS LETTERS AND TELEPHONE CALLS FROM OUR MEMBERS IN MONTANA ASKING THAT WE ASSIST IN SECURING THE PASSAGE OF H.B. 643 THROUGH THE SENATE. FURTHERMORE, AT RECENT ANNUAL MEETINGS OF THE MONTANA RIFLE AND PISTOL ASSOCIATION, THE NORTHWEST MONTANA ARMS COLLECTORS AND OTHER SPORTSMEN ORGANIZATIONS HERE IN MONTANA, THE COLLECTIVE MEMBERSHIP VOTED UNANIMOUSLY IN FAVOR OF THIS TYPE OF LEGISLATION TO PREVENT MORTON GROVE STYLED BANS OR ANY POTENTIAL HARASSMENT OF LAW-ABIDING FIREARMS OWNERS HERE IN THE STATE OF MONTANA.

I WOULD LIKE TO THANK THE COMMITTEE ON BEHALF OF ALL OF US FOR THE OPPORTUNITY TO DISCUSS H.B. 643 WITH YOU TODAY, AND ENCOURAGE YOUR SUPPORT OF THIS LEGISLATION.

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

SENATE JUDICIARY COMMITTEE
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WHY DOES YOUR STATE NEED A FIREARMS PRE-EMPTION LAW?

The right to keep and bear arms is at the forefront of the various emotional issues that currently confront our society. Legislators, judges and bureaucrats at all levels of government — federal, state and local — are being called upon by citizens who wish to see this right expanded or restricted.

One underlying question is at what level should such legislation occur. The National Rifle Association has traditionally believed that the government most representative of the people is best. The explosion over the past few years of local ordinances that are more restrictive than current state law has, however, created the need for the states to preempt these local actions. Such legislation will prevent a hodgepodge of varying gun laws within a state, and thereby protect the law-abiding citizen not only from unwitting violation of the law, but also from arbitrary infringements of his or her rights. Indeed, in enacting pre-emption legislation, thereby expressly preventing local governments from infringing the rights of citizens and effectively eliminating the need for citizens to undertake costly litigation to protect their rights, state legislators fulfill their constitutional duty to protect the rights of citizens.

A state firearms pre-emption law will guarantee to the citizens of your state their right to own and use firearms for legitimate purposes based on state statutes and federal law.

Federal Law

Many people do not realize the full extent of federal law. Under the Gun Control Act of 1968, anyone convicted of a felony, adjudicated mentally defective, or addicted to drugs is prohibited from owning, purchasing, receiving or transporting any firearms or ammunition. The Gun Control Act also bans mail order sales of firearms and ammunition by other than federally licensed dealers and requires that the purchaser and seller of firearms to residents of the same state, although most states have enacted contiguous-state statutes for long gun purchases from dealers.

Federal law also requires all persons engaged in the business of dealing in firearms to be federally licensed. Dealers must require from all firearms purchasers proof of identity and residence, and buyers must sign, under penalty of perjury, a statement certifying eligibility to purchase. Dealers are required to keep records of all firearms sales and are forbidden from selling handguns to persons under 21 or rifles and shotguns to persons under 18. Additionally, dealers are prohibited from making any sale of firearms or ammunition which would place the buyer in violation of state or local law.

The History of Firearms Pre-emption Legislation

The first pre-emption firearms law was passed in the late 1960s, when, in response to the assassinations and urban rioting of that time, a number of localities passed "gun control" measures. Recognizing that these ordinances were based on emotional response rather than logical efforts to control crime, citizens in California and Pennsylvania led the way in enacting firearms

pre-emption statutes. Today, some 15 states have firearms pre-emption either by statute or by legal precedent including: Alabama, Arizona, California, Indiana, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Virginia, Washington and West Virginia.

The Problem Behind Local Firearms Laws

The renewed popularity in passing local ordinances effecting gun ownership has triggered a great debate over the benefits of local rule on this issue. Clearly, all legislation — whether federal, state, or local — must be designed to ensure uniform and nondiscriminatory access to the rights and privileges of the citizenry as guaranteed by the U.S. and State Constitutions. Yet, a close look at the passage of the Morton Grove, Illinois, handgun ban, the most infamous of these local ordinances, proves beyond doubt that local firearms legislation does not guarantee this. In passing their ban, the Morton Grove Village Trustees were acting in defiance of a majority of the village citizenry as the opponents of the measure greatly outnumbered supporters at all public hearings on the ban. Morton Grove was acting not to control crime, which was minimal in the village, but rather to gain the attention of national media and to create a situation of harassment for individual firearms owners. Their gimmick worked! Today, Morton Grove is almost a household word and it is estimated that close to a thousand formerly law-abiding citizens are now technically "criminals" for exercising a right guaranteed by both the U.S. and the Illinois Constitutions.

The local intent to harass gun owners and sportsmen, rather than control crime, is even more apparent in the recent actions of the Friendship Heights (Maryland) Township. This tiny community on the outskirts of Washington, D.C., originally attempted to ban possession of all handguns. The Montgomery County Council refused, however, to consider the proposal because it was a clear violation of the Maryland State Firearms Pre-emption Statute. Friendship Heights then attempted to subvert state law by passing a complete ban on possession of all ammunition. Possession of ammunition for self-defense would have been outlawed, and anyone passing through Friendship Heights with a single bullet could have been subject to arrest and conviction — a \$500 fine for the first offense and up to six months in jail for the second offense.

The attempted F.H. bullet ban was defeated by the county council; Montgomery County, nonetheless, ultimately passed an ordinance which will prohibit the purchase of ammunition unless a firearm registration certificate is produced, although registration is not required in Maryland. While Councilman David Scull claims it is a symbolic step towards gun control at the state and federal level, in reality, this ordinance "is an abysmal waste of governmental energy and corrodes the respect without which law is a husk." (The Washington Times, June 20, 1983)

In response to this ban and other similar restrictive ordinances, a number of local jurisdictions have gone in the opposite direction and required all individuals or household heads to own a firearm. The NRA does not condone these mandatory ownership ordinances because we believe it is an individual's choice whether or not to possess a firearm.

How Can Pre-emption Help?

Local firearms legislation serves only to create a crazy quilt of laws, resulting in gun owners running the risk of arrest, prosecution and confiscation of personal property for unwitting violation of local law by transporting a gun for sporting or other legitimate purposes across city or county

SENATE JUDICIARY COMMITTEE

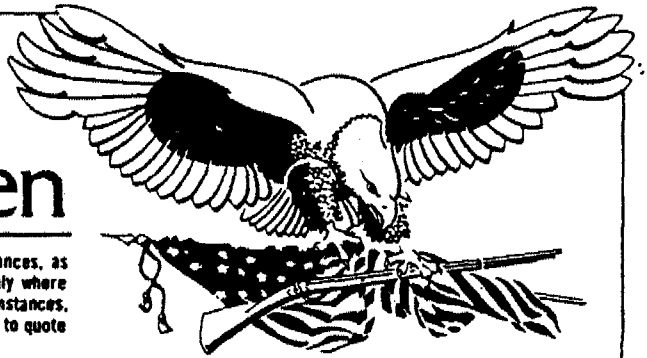
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DATE 032685

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The Armed Citizen

Merely presence of a firearm, without a shot being fired, prevents crime in many instances, as shown by news reports sent to The Armed Citizen. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life or limb or, in some circumstances, property. The accounts below are from clippings sent in by NRA Members. Anyone is free to quote or reproduce them.



Service station attendant George Morrow of Bellevue, Wash., was behind the cash register when a criminal came up and pointed a .22-cal. pistol at his face. But the would-be robber got more than he bargained for when Morrow whipped out a .38-cal. auto. "I told him to back off," said Morrow. "His eyes went wide and he turned the nicest shade of white. He said 'I'm gone,' and took off running." (*The Post Intelligencer*, Seattle, Wash. 10/11)

Chicago, Ill., electronics worker Paul Pavlik, 62, was on his way home from work when a man ran up and attacked him with a hammer. Pavlik futilely tried to turn over his money, but the attacker continued his assault, anyway. "He just kept hitting me in the head," Pavlik said. "I thought I was dead." But the elderly man finally managed to pull a .25-cal. auto and shoot his assailant fatally. (*The Sun-Times*, Chicago, Ill. 6/28)

Returning home from work, a Chicago, Ill., man heard a disturbance in one of the bedrooms. Investigating, he caught a pair of criminals, one raping his wife and the other holding down his 16-year old daughter. His other daughter, 12, also had been assaulted. Retrieving a gun from another room, the resident fired several times, possibly wounding one man. The rapists fired back as they fled but missed. The family had lived in the apartment less than a week. (*The Sun-Times*, Chicago, Ill. 7/1)

George Brown, 69, and his assistant, Jeanette Billups, did not like the looks of two customers who entered their Philadelphia, Pa., grocery. As the pair approached the cash register to pay for a sandwich, one suddenly pulled a gun and fired four shots, two of which struck Brown. Billups returned fire from the rear of the store. She hit neither man but succeeded in driving them off. One suspect was captured; the other escaped. (*The Daily News*, Philadelphia, Pa. 10/24)

A Fairbanks, Alaska, resident, awakened in the middle of the night by someone moving about in his bedroom, fired two shots after being threatened by the intruder. The man fled, and a suspect with two gunshot wounds in his legs was later arrested and charged. (*The Daily News-Miner*, Fairbanks, Alaska 10/24)

A few moments after an Anchorage, Alaska, cab driver picked up a fare, the rider drew a pistol and ordered him to hand over his cash. The driver pulled his own gun instead, and after a short stand-off the would-be thief broke and fled the cab. (*The Daily News*, Anchorage, Alaska 10/27)

Awakened by noises in her Herndon, Fla., home, Linda Jo Groh took a pistol from her nightstand. She fired when a man suddenly loomed in the bedroom doorway, threatening, "I'm going to get you for Bobby." The shot missed but scared off the intruder. "Bobby" is believed to be a man charged with burglarizing Groh's home in May. (*The Times*, St. Petersburg, Fla. 10/12)

A terrified North Carolina woman struggled to escape when she awoke to find an armed man in bed with her, but the intruder pinned her down and held a knife to her head. Despite being cut on the face, the woman managed to get her hands on a .32-cal. pistol and fired twice. Wounded, the assailant ran from the house. Police suspect a man who was admitted to a local hospital with a gunshot wound. (*The Observer*, Charlotte, N.C. 10/14)

A would-be armed robber ended up "staring down the wrong end of a .45," police reported, when he drew a switchblade on Delano, Calif., police detective George Pultz. Pultz, who was leaving a Halloween party, moved as if to extract his wallet, but pulled the big sidearm instead. He personally clapped the criminal in jail. (*The Californian*, Bakersfield, Calif. 11/2)

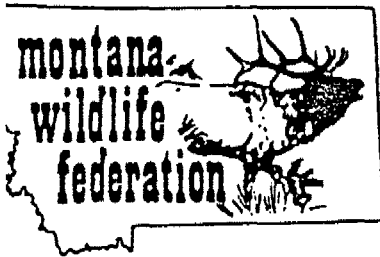
"When it's a choice of somebody trying to break into your house with you and your wife and your child there, there's no choice at all," Robert Calt said after he gunned down an intruder. The Denver real estate lawyer blasted the criminal with his 12-ga. shotgun after the housebreaker burst through the front door of the Calt home despite repeated warnings. "I'd do the same thing if it happened again," Calt said. "His rights don't involve going into my house and threatening my family." Calt's wife, who had hidden the couple's three-year-old daughter behind some curtains upstairs, vowed that she would learn to use a gun. "I've never felt so helpless in my life . . . I never believed in guns before. I do now." (*The Post*, Denver, Colo. 10/22)

Investigating a late-night disturbance outside his home, off-duty policeman Martin Hofmann of Hamilton Township, N.J., discovered an armed man who had a woman pinned to the ground. Hofmann identified himself as an officer and ordered the criminal to get up. When the suspect pointed his gun at the officer and threatened to kill him, Hofmann fired his .38-cal. service revolver, fatally wounding him. (*The Trentonian*, Trenton, N.J. 11/7)

Lutillous Smith, 71, was walking near his Chicago, Ill., home when he was accosted by a gun-wielding robber. He forced Smith to hand over his wallet, but the elderly man then drew a .25-cal. pistol and shot the thief fatally. Police ruled the shooting justifiable. (*The Sun-Times*, Chicago, Ill. 10/15)

After being robbed two weeks earlier, 79-year-old Daniel White of Chicago, Ill., began carrying a gun for protection. When the same man attacked White again, pushing him into an alley and clubbing him with a rifle butt, the elderly man pulled his revolver and shot the assailant fatally. (*The Tribune*, Chicago, Ill. 1/5)

EDUCATION - CONSERVATION



Montana Wildlife Federation

AFFILIATE OF NATIONAL WILDLIFE FEDERATION

P.O. Box 3526
Bozeman, MT 59715
(406) 587-1713

TESTIMONY ON HB 643
March 26, 1985

My name is Tony Schoonen, here today representing the Montana Wildlife Federation in strong support of Hb 643.

Our organization, which consists of approximately 4600 members and sportsmen involved with 17 local clubs throughout the state, includes a very high percentage of gun owners. We are keenly aware of actions taken by several city governments in other states to ban, register, or otherwise restrict the possession of firearms by members of the general public.

Although we are not aware of any such actions contemplated by any of our local governments, we recognize that there is a possibility that a Montana city or county could be asked to adopt such an ordinance. If that should happen, we would feel much more comfortable if state law clearly prohibited the action in the first place. We suspect the local government would also feel more comfortable if they could cite a clear prohibition in state law.

For these reasons, we urge this committee to recommend passage of HB 643.

Thank you.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 7
DATE 032685
BILL NO. HB 643

(This sheet to be used by those testifying on a bill.)

NAME: Lenora V. Houldson DATE: 3/26/85

ADDRESS: 2301 S. 3rd W Missoula, MT 59801

PHONE: 728-8314

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: H B 643

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENT: I am a 45 year old ^{competition} pistol shooter recently having been selected to train for the national, international & Olympic pistol teams. I am concerned about laws that make it almost impossible to travel ^{locally} to competition sites. Local laws can make criminal of ordinary citizens. A Vancouver, British Columbia newspaper said earlier this year that Canada's strict gun laws are virtually useless and do not deter crime. It has been shown that 99% of guns in the U.S. could be eliminated & you would not change the crime rate except to raise it. Criminals say the biggest deterrent to crime in the

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 8

DATE 032685

BILL NO. HB 643

(This sheet to be used by those testifying on a bill.)

NAME: Lenora Houldson DATE: 3/26/85

ADDRESS: 2301 S. 3rd W.

PHONE: 728-8314

REPRESENTING WHOM? self

APPEARING ON WHICH PROPOSAL: HB 643

DO YOU: SUPPORT? Y AMEND? OPPOSE?

COMMENT:

home is the knowledge that there are
guns in the home. Incidentally only about
1 dozen guns have been turned in at Morton Grove.
Frequently local ^{gun} laws are made with
out ~~it~~ having the research done that is
necessary to prevent conflict with the consti-
tutional rights guaranteed us. I urge passage
of HB 643 to guarantee a citizen's right
to protect his family, home and property.
If ~~handguns~~ guns are eliminated, those
wishing to do a criminal act would
find other instruments to carry out there crime.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 8

DATE 032685

BILL NO. HB 643

DATE: March 26, 1985

COMMITTEE ON Judiciary

HB 329, 643, 760, 837 & HJR

(Please leave prepared statement with Secretary)

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 28, 1985

The sixty-second meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 28, 1985, by Chairman Joe Mazurek, in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

ACTION ON HB 837: Senator Daniels moved HB 837 be amended as follows:

Page 1, line 22.

Following: "duty"

Strike: "or power of his office"

Insert: "in a reasonable and proper manner"

Senator Blaylock pointed out this bill arose out of a police dog's being killed in one community. He asked if the man who hurt the dog were caught and punished. Senator Mazurek replied yes. He also pointed out the only statute available to prosecute the man under was for a misdemeanor. The motion to amend carried unanimously. Senator Brown moved the word "seriously" be added before the word "disables" on page 1, line 19. Senator Yellowtail asked if the word "disabled" indicated the dog would be rendered useless. Senator Mazurek explained he may have a disability, but it may only be one percent of his body. He stated if you just disable the animal, you still have a criminal penalty. Senator Towe moved as a substitute motion the bill be amended as follows:

Page 1, line 19.

Following: "knowingly"

Strike: "disables,"

Following: "shoots"

Strike: ", "

The motion carried unanimously. Senator Pinsoneault stated he would like to leave this a felony matter, but moved the bill be amended as follows:

Page 2, line 1.

Following: "5"

Strike: "3 years"

Insert: "1 year"

rehabilitate, a plea of guilty is the first step toward acknowledgment on the part of the defendant. That is very important. The motion carried (see roll call vote attached as Exhibit 7).

TABLING OF HB 329: Chairman Mazurek explained that HB 329 still remained in committee. A previous motion to table the bill failed on a tie vote. Senator Shaw moved HB 329 be tabled. The motion to table HB 329 carried (see roll call vote attached as Exhibit 8).

ACTION ON HB 520: Senator Towe moved HB 520 be recommended BE CONCURRED IN. The motion carried with Senators Mazurek and Yellowtail voting in opposition.

ACTION ON HB 643: Senator Shaw moved HB 643 be recommended BE CONCURRED IN. Senator Mazurek stated if we ever have a sales tax, you won't be able to apply it to guns. Senator Towe suggested a compromise. The issue is public buildings. The issue of the propriety of the bill is a very legitimate one. He thinks there is also a very serious problem about the public buildings, because that says the city or the county cannot protect itself. Senator Towe moved HB 643 be amended as follows:

1. Page 1, lines 24 and 25.

Following: "assembly"

Insert: ", publicly-owned building, park under its jurisdiction,"

Following: "school"

Strike: remainder of line 24 through "alarm" on line 25

2. Page 2, line 2.

Following: "minors."

Insert: "Nothing contained herein shall allow any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others nor shall anything contained herein prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise."

Senator Shaw stated as he understands it, there has been an effort other places to ban all firearms. This bill is saying towns cannot ban firearms period. That is what he wants. He doesn't want the city fathers deciding they have to ban firearms to cut down on criminal activity. Senator Blaylock questioned whether they realized what they were doing. We are talking about local control, but we are saying cities and towns don't have the right to regulate themselves. The motion to adopt Senator Towe's amendments carried with Senator Crippen voting in opposition. Senator Shaw moved HB 643 be recommended BE CONCURRED IN AS AMENDED. He agreed with Senator Blaylock but knows there is a movement

on to disarm our country. He doesn't want to see that here. Senator Pinsoneault commented he didn't like the bill, but believed it was better with the amendments. He thinks you are taking away from the local population the right to handle this problem as they determine appropriate. Senator Blaylock stated when we talk about what we are going to do with guns, it is one of the most sensitive issues in Montana. We have to use some common sense. Our problem in this country and this state is with handguns. What happens is you have the pistols in these homes with people trying to protect their property. That is what's happening in Montana. We have killed more people with handguns in this country than we have lost in the wars. Senator Crippen stated he could certainly appreciate Senator Blaylock's argument but felt the committee should look at the language which says "may prohibit." The power to tax is the power to destroy. He believes licensing guns is the same thing, and allowing a city council to do this is violating our rights. Senator Blaylock asked if there has been one community that has done this. Senator Brown responded no, and there won't be. The motion to recommend the bill BE CONCURRED IN AS AMENDED carried (see roll call vote attached as Exhibit 9).

ACTION ON HB 793: Mr. Petesch commented he compared this bill with Senator Regan's SB 449. He had just been informed the House put in mandatory arrest within four hours of the abuse's happening so it is back to a mandatory arrest bill at this point. There are some differences between the two bills. SB 499 uses the term "domestic abuse" and uses two of the tests of assault. This bill uses the term "domestic violence" and uses all of the assault tests. There is also a difference between who can be arrested in the bill, as a child is not in SB 449. Senator Towe stated he likes this bill a little better with one modification, and that is the intimate relationship. Senator Towe suggested lines 16 and 17 on page 2 be stricken and the comparable language from SB 449 be inserted. He commented lines 19-25, page 2, might be a better way to handle this problem. That says a police officer had better think twice before he leaves the scene where there has just been an arrest. Senator Mazurek suggested deleting subsection (e) and making the amendment to subsection (c). Senator Towe commented household member covers that even without saying that. Senator Towe moved the bill be amended as follows:

1. Page 2, line 13.

Following: "member"

Insert: "including an adult person of the opposite sex residing with the defendant or who formerly resided with the defendant"

Following: ";

Insert: "or"

ROLL CALL

SENATE JUDICIARY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 032885

NAME	PRESENT	ABSENT	EXCUSED --
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

secretary and chairman. Have at least 50 printed to start.)

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 032885 House Bill No. 643 Time 11:15 am

NAME	YES	NO
Senator Chet Blaylock		X
Senator Bob Brown	X	
Senator Bruce D. Crippen	X	
Senator Jack Galt	X	
Senator R. J. "Dick" Pinsoneault		X
Senator James Shaw	X	
Senator Thomas E. Towe	X	
Senator William P. Yellowtail, Jr.		X
Vice Chairman		X
Senator M. K. "Kermit" Daniels		X
Chairman	X	
Senator Joe Mazurek		
	(6)	(4)

Secretary _____

Chairman _____

Motion: _____

BCIAA

(include enough information on motion—put with yellow copy of committee report.)

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 9

DATE 032885

BILL NO. HB 643

STANDING COMMITTEE REPORT

SENATE

March 28 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 643

third reading copy (blue color)

(Senator Shaw)

PROHIBIT LOCAL ORDINANCE BANNING OR REGULATING FIREARM SALE OR POSSESSION

Respectfully report as follows: That HOUSE BILL No. 643

be amended as follows:

1. Page 1, lines 24 and 25.

Following: "assembly"

Insert: ", publicly-owned building, park under its jurisdiction,"

Following: "school"

Strike: remainder of line 24 through "alarm" on line 25

2. Page 2, line 2.

Following: "minors."

Insert: "Nothing contained herein shall allow any government to prohibit the legitimate display of firearms at shows or other public occasions by collectors and others nor shall anything contained herein prohibit the legitimate transportation of firearms through any jurisdiction, whether in airports or otherwise."

AND AS AMENDED

BE CONCURRED IN

KROOKPASSX

KROOKPASSX

Senator Joe Mazurek

Chairman.

1 HOUSE BILL NO. 643

2 INTRODUCED BY THOFT, IVERSON, MCCORMICK, ZABROCKI,
3 JACK MOORE, THOMAS, HARP, REHBERG, PISTORIA, O'CONNELL,
4 NATHE, SWIFT, SCHULTZ, GRADY, TVEIT, BRANDEWIE, DEVLIN,
5 SWITZER, COMPTON, GILBERT, KITSELMAN, WALLIN, HANSON,
6 MERCER, DRISCOLL, ELLERD, CAMPBELL, HARBIN, MENAHAN,
7 GOULD, SEVERSON, HARDING, JANET MOORE, ELLISON

8
9 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE WHEN A LOCAL
10 GOVERNMENT MAY AND MAY NOT PROHIBIT, REGISTER, TAX, LICENSE,
11 OR REGULATE THE PURCHASE, SALE OR OTHER TRANSFER, OWNERSHIP,
12 POSSESSION, DISCHARGE, TRANSPORTATION, OR UNCONCEALED
13 CARRYING OF FIREARMS; REPEALING SECTION 7-32-4305, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Right to possess firearms.

17 (1) Except as provided in subsection (2), no county, city,
18 town, consolidated local government, or other local
19 government unit may prohibit, register, tax, license, or
20 regulate the purchase, sale or other transfer (including
21 delay in purchase, sale, or other transfer), ownership,
22 possession, transportation, use, or unconcealed carrying of
23 any rifle, shotgun, or handgun.

24 (2) For public safety purposes, a city or town may
25 regulate the discharge of rifles, shotguns, and handguns. A

1 county, city, town, consolidated local government, or other
2 local government unit has power to prevent and suppress the
3 carrying of concealed weapons, the carrying of weapons to a
4 public assembly, PUBLICLY OWNED BUILDING, PARK UNDER ITS
5 JURISDICTION, or school ~~with-the-intent-of-causing-terror-or~~
6 ~~alarm~~, and the possession of firearms by convicted felons,
7 adjudicated mental incompetents, illegal aliens, and minors.
8 NOTHING CONTAINED HEREIN SHALL ALLOW ANY GOVERNMENT TO
9 PROHIBIT THE LEGITIMATE DISPLAY OF FIREARMS AT SHOWS OR
10 OTHER PUBLIC OCCASIONS BY COLLECTORS AND OTHERS, NOR SHALL
11 ANYTHING CONTAINED HEREIN PROHIBIT THE LEGITIMATE
12 TRANSPORTATION OF FIREARMS THROUGH ANY JURISDICTION, WHETHER
13 IN AIRPORTS OR OTHERWISE.

14 Section 2. Repealer. Section 7-32-4305, MCA, is
15 repealed.

-End-

REFERENCE BILL